CHAPTER xix.

An Act to amend the Huddersfield Corporation Act 1902 and for other purposes. [24th June 1904.]

A.D. 1904.

WHEREAS by the Huddersfield Water Act 1869 (in this Act called "the Act of 1869") the mayor aldermen and burgesses of the county borough of Huddersfield (in this Act called "the Corporation") were empowered to appropriate for the purposes of their water undertaking the waters of certain rivers streams and brooks and provisions were made by such Act for the discharge by the Corporation from their reservoirs of compensation waters into the various rivers streams and brooks mentioned in such Act and for the provision by the Corporation of measuring gauges for the purpose of ascertaining the amount of compensation water so to be discharged:

And whereas by section 32 of the Act of 1869 it is provided as follows:—

"In case of neglect on the part of the Corporation to "maintain any such gauge in a state of efficiency and in case "of any other neglect by or in consequence of which any of "the several quantities of water aforesaid from the said "reservoirs shall not so flow the Corporation shall for every "day on which such neglect occurs forfeit and pay to the "occupiers of each of the mills and works affected thereby "(who may sue for and recover the same) the sum of five "pounds and shall in addition make compensation for any "loss damage or injury sustained by such occupiers or any of "them in respect of which such penalties are an insufficient "compensation and such occupiers may respectively from "time to time recover such compensation with costs from "the Corporation by proceedings in any court of competent "jurisdiction":

A.D. 1904.

And whereas by the Huddersfield Corporation Waterworks Act 1890 (in this Act called "the Act of 1890") further powers were conferred upon the Corporation in reference to the taking of the waters of various rivers streams and brooks for the purposes of their water undertaking and further provisions were inserted in such Act for the purpose of ensuring the discharge by the Corporation from their Butterley Reservoir of compensation water into the rivers and brooks mentioned in such Act and for the provision of proper water gauges for measuring the quantity of compensation water so to be discharged:

And whereas by section 28 of the Act of 1890 it is provided as follows:—

"In case of any neglect on the part of the Corporation to "maintain any such gauge in a state of efficiency and in "case of any other neglect by or in consequence of which "the said quantity of compensation water shall not so flow "the Corporation shall for every day on which such neglect "occurs forfeit and pay to the occupiers of each of the mills "and works affected thereby (who may sue for and recover "the same) the sum of five pounds and shall in addition make "compensation for any loss damage or injury sustained by "such occupiers or any of them in respect of which such "penalties are an insufficient compensation and such occupiers "may respectively from time to time recover such compensa-"tion with costs from the Corporation by proceedings in any "court of competent jurisdiction":

And whereas the Corporation in the year 1901 promoted a Bill which subsequently became the Huddersfield Corporation Act 1902 (in this Act called "the Act of 1902"):

And whereas by section 57 of the Act of 1902 it is provided as follows:—

"All powers rights and remedies given to the Corporation "by this Act shall (except where otherwise expressly pro-"vided) be deemed to be in addition to and not in derogation "of any other powers rights or remedies conferred on them "by the Public Health Acts or any of them and the Municipal "Corporations Acts and the Corporation may exercise such "other powers and be entitled to such other rights and "remedies as if this Act had not been passed Provided "that no person including the Corporation shall incur or be "liable for more than one penalty (other than a daily penalty) "under the recited Acts or this Act for the commission of the "same offence or for the same neglect or default":

And whereas doubts have arisen as to the effect of section 57 of the Act of 1902 on sections 32 of the Act of 1869 and 28 of the Act of 1890 and it is expedient that such doubts be removed and that the said section 57 be amended and provision made as hereinafter contained in that behalf:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited for all purposes as the Huddersfield Corporation Act 1902 Amendment Act 1904.

Provisions with respect to section 57 of Huddersfield Corporation Act 1902.

2. Nothing contained in section 57 of the Act of 1902 shall alter diminish prejudice or affect the rights and liabilities of the occupiers of mills and works or of the Corporation under or in pursuance of section 32 of the Act of 1869 and section 28 of the Act of 1890 or either of those sections but the said section 32 of the Act of 1869 and section 28 of the Act of 1890 shall be in full force and have full effect and shall be deemed to have always so been in full force and of full effect as if section 57 of the Act of 1902 had not been passed.

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